

Alumni for FREE SPEECH

November 2022

Dear Vice-Chancellor

I am writing to introduce Alumni For Free Speech (AFFS), a recently-founded non-partisan campaign of UK university alumni whose aim is to encourage our universities to protect free speech better. Our website is www.affs.uk.

Our alumni love their universities. We will be approaching our work in a spirit of co-operation and support. We assume that universities will welcome such initiatives.

In a perfect world, the law should be a framework that sits in the background and is understood and complied with as a matter of course. However, existing free speech laws seem to be widely disregarded or misunderstood. We appreciate that the relevant law can appear complicated and is evolving rapidly. We aim to assist in making it clearer and thus easier to get right in practice, while encouraging universities to embrace their traditional and voluntary support for free thought, expression and academic freedom.

We also appreciate of course that passions can run high in respect of matters where free speech issues arise. We aim to support universities in navigating these issues successfully.

We hope that the wider debate about the need for free speech does not become too focused on the few controversial issues which are now so much in the news. We have in mind the public debate about transgenderism and the issues relating to race and race relations, which the dreadful murder of George Floyd in the United States has raised throughout the world. Regrettably though, those issues have given rise to attacks on freedom of speech which would have seemed inconceivable only a few years ago.

Of course, the belief in gender self-identification and so-called Critical Race Theory are, among many others, philosophical positions which some people strongly believe in. Naturally, people are free to hold such beliefs and to advocate for them. But the same is true of people who either do not hold such beliefs or who hold contrary beliefs. This is not just consistent with the Enlightenment values on which modern societies and universities are based, it is also the law as now enshrined in the **Equality Act 2010** and the existing requirements to secure free speech in the **Human Rights Act 1998**, as well as the **Education (No. 2) Act 1986**. The immediate problem which we have observed, is that even at universities, Enlightenment values are increasingly challenged and there is it seems, less appreciation than perhaps there should be, of what the law already requires.

English universities' existing legal obligations are about to be supplemented and strengthened when the **Higher Education (Freedom of Speech) Bill**, presently before Parliament, becomes law. This will require universities to take positive steps to promote and protect freedom of speech and academic freedom and expose them to legal proceedings if they do not. Obligations will be imposed directly on constituent bodies (like individual Colleges within universities) and for the first time, on Students' Unions. The latest draft of the Bill can be found here: <https://bills.parliament.uk/publications/46799/documents/1952>

Once the bill becomes law, we will be providing universities with a detailed statement of the legal requirements and their implications in practice, which we hope you will find useful. Universities will, in any event, be having to review their rules, processes, practices and procedures in order to comply with the new legislation. We will be following up from mid 2023 onwards to find out how universities are performing and offering our assistance and support if required.

In the meantime, apparent ignorance or disregard of the existing freedom of speech obligations have led senior figures in leading universities to make statements, and to take (or not to take) steps, which are (as the case may be) already prohibited or required. We have in mind, for example, the recent issues at Cambridge University surrounding statements or prohibited conduct by university leaders in connection with an upcoming talk involving Dr Helen Joyce. These events have been the subject of extensive press coverage. They are the latest of many.

Over the coming years, we will be developing a running public record (and league table) of the job universities are doing to uphold free speech and academic freedom (We draw your attention to the one published by Civitas in 2020 – [https://www.civitas.org.uk/publications/academic-freedom-in-our-universities.](https://www.civitas.org.uk/publications/academic-freedom-in-our-universities))

Our assessment will be based on criteria such as:

- Do universities comply with the spirit or only the letter of the law?
- Do universities share information or require it to be prised out with Freedom of Information Requests?
- Do they genuinely care about securing free speech, or are they paying lip service?
- How good are they at standing up to pressure when a cancellation campaign happens?

We will also be encouraging those responsible for league tables of UK universities to include compliance with free speech obligations among the factors they consider.

In the meantime, we think that it is worthwhile to share the attached statements relating to:

- The recent *Forstater* and *Bailey* cases, which have established that gender critical views are 'protected characteristics' for the purposes of the Equality Act. Logically, views on other matters of political or societal controversy should therefore also be treated as protected characteristics. This means that, whatever university leaders or officers might themselves believe, it is universities' legal obligation under equalities law to protect people with these views as they do others with protected characteristics.
- Universities' existing and future obligations to have a dedicated free speech officer.

At this stage, we are just making contact, and it would be useful if you could confirm receipt. There is no need to reply in greater detail unless you wish to discuss anything.

Yours faithfully

Alumni for Free Speech

www.affs.uk

info@affs.uk

Registered office: 27 Old Gloucester St, London W1N 3AX.

Attachments:

Protected Characteristics Statement
Free Speech Officer Statement